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# STATE OF SOUTH CAROLINA



## POLL MANAGER'S HANDBOOK FOR CONDUCT OF PRIMARY ELECTIONS 1992

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STATE DOCUMENTS



# **POLL MANAGER'S HANDBOOK FOR CONDUCT OF PRIMARY ELECTIONS 1992**

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## NOTE

Statutory references or citations in this booklet can be found in the manual, **REGISTRATION AND ELECTION LAWS OF SOUTH CAROLINA**, 1986, published by the State Election Commission, as well as in the 1976 Code of Laws of South Carolina, its 1991 Cumulative Supplement and the 1992 Acts of the General Assembly.



# TO THE MANAGER

You have been appointed by your county election commission to serve as a poll manager or clerk in primary elections being held in your county. You have been recommended for this position by one of the political parties holding these primaries.

While you most certainly are considered to "belong" to a particular political party, you must, for the time you serve as a manager, put aside party allegiances and serve all the registered voters of the precinct in which you are working — regardless of the party's primary in which they choose to vote.

You are there to conduct an orderly, fair and legal election for all parties holding primary elections, not just for persons voting in "your" party's primary. You must not influence anyone to vote in a particular party's primary, nor can you allow anyone else to do so.

You must take charge of the election in your precinct and truly manage the polls. You absolutely cannot allow any candidate, watcher, party official or voter to dictate any policy or action that is contrary to the requirements of the law and proper procedures.

You can, and will, accomplish this in a firm, fair and friendly manner.

Thank you for your service to all the citizens of your county and for the excellent job we know that you will do in conducting these elections.

# CONDUCT OF PRIMARY ELECTIONS

## **PARTY PRIMARIES CONDUCTED BY STATE ELECTION COMMISSION AND COUNTY ELECTION COMMISSIONS: RUNOFFS**

In the event that a political party nominates candidates by party primary election, such party primary must be held by the political party and conducted by the State Election Commission and the respective county election commissions. Section 7-13-40.

If a second primary (runoff) is necessary it must be held two weeks after the first primary. Section 7-13-50.

## **COMMISSIONERS AND MANAGERS OF PRIMARY ELECTIONS: CLERKS**

At least ninety days before any general or special election for federal, state or county offices, the Governor shall appoint at least three and not more than five commissioners of election for each county upon the recommendation of the senatorial delegation and at least half of the members of the House of Representatives from the respective counties. At least one member of the commission must represent the largest political party and at least one member must represent the second largest political party as determined by the composition of that county's delegation in the General Assembly, or the makeup of the General Assembly as a whole if the county's delegation is composed of only one party's members. The commissioners continue in office until their successors are appointed and qualified. Section 7-13-70.

For primary elections held on the second Tuesday in June of each general election year, the commissioners of election shall appoint three managers of election for each polling place in the county for the first five hundred electors registered to vote at such polling place, and may appoint three additional managers for each additional five hundred electors registered to vote there.

For all other primaries, the commissioners shall appoint three managers of election for the first five hundred electors registered to vote in each precinct involved in the primary election and one additional manager for each five hundred electors registered to vote in the precinct above the first five hundred. Section 7-13-70.

All managers of primary elections for the various polling places in the State must be residents and registered electors of the respective counties in which they are appointed to work, or in an adjoining county. Section 7-13-110.

The commissioners also appoint, from among the managers, a clerk for each polling place. Section 7-13-70.

Forty-five days prior to any primary, except municipal primaries, each political party holding a primary may submit a list of prospective managers to the county election commission. The commission must appoint at least one manager for each precinct from the list of names submitted by each political party holding a primary. Section 7-113-70.

A candidate or the spouse, parent, child, brother or sister of a candidate may not serve as a manager or clerk of election at any polling place where the candidate's name appears on the ballot. Section 7-13-120.

## **TRAINING**

Efficiently run elections are essential to an orderly form of government. All elections must be conducted uniformly and within the jurisdiction of the laws of the State. No person may be appointed as a manager in a primary election who has not completed a training program concerning his duties and responsibilities and who has not been certified by the county election commission as having completed the training program. Section 7-13-70.

## **OATH OF COMMISSIONERS, MANAGERS, AND CLERKS**

After their appointment, the commissioners, managers and clerks must take and sign the following oath prescribed by Article III, Section 26 of the South Carolina Constitution: Section 7-13-70.

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God."

This oath should be filed immediately with the Clerk of Court, or if there be no clerk, then with the Secretary of State. Section 7-13-70.

## **FAILURE OF MANAGERS TO ATTEND ELECTION**

If any of the managers fail to attend or if they have not been appointed, the qualified voters of the precinct who are present may appoint a manager to act in the place of the absent manager. If the duly appointed manager attends within a reasonable time, he shall act as manager. Section 7-13-80.

## **HOURS OF ELECTION**

In all elections, the law requires that the polls open at 7 o'clock in the morning and remain open without interruption until 7 o'clock in the afternoon on election days. Section 7-13-60.



In Lancaster County only, a voting precinct may remain open until 8 p.m. if the managing body of the precinct deems it necessary to permit qualified electors to vote who could not vote during the normal voting hours and if notice is given of such additional hour at least once a week for at least two weeks before the election.

## BEFORE POLLS OPEN

### ARRIVAL

Managers should arrive at the polling place at least 45 minutes before the polls are scheduled to open.

### MANAGER'S OATH

Before opening the polls, the managers must take and sign the following oath: Sections 7-13-70 and 7-13-100.

"We do solemnly swear that we will conduct this election according to law and will allow no person to vote who is not entitled by law to vote in this election, and we will not unlawfully assist any voter to prepare his ballot and will not advise any voter as to how he should vote at this election."

The managers should be provided with and should wear proper identification badges.

Next, the managers shall post sample ballots in a conspicuous area of the polling place.

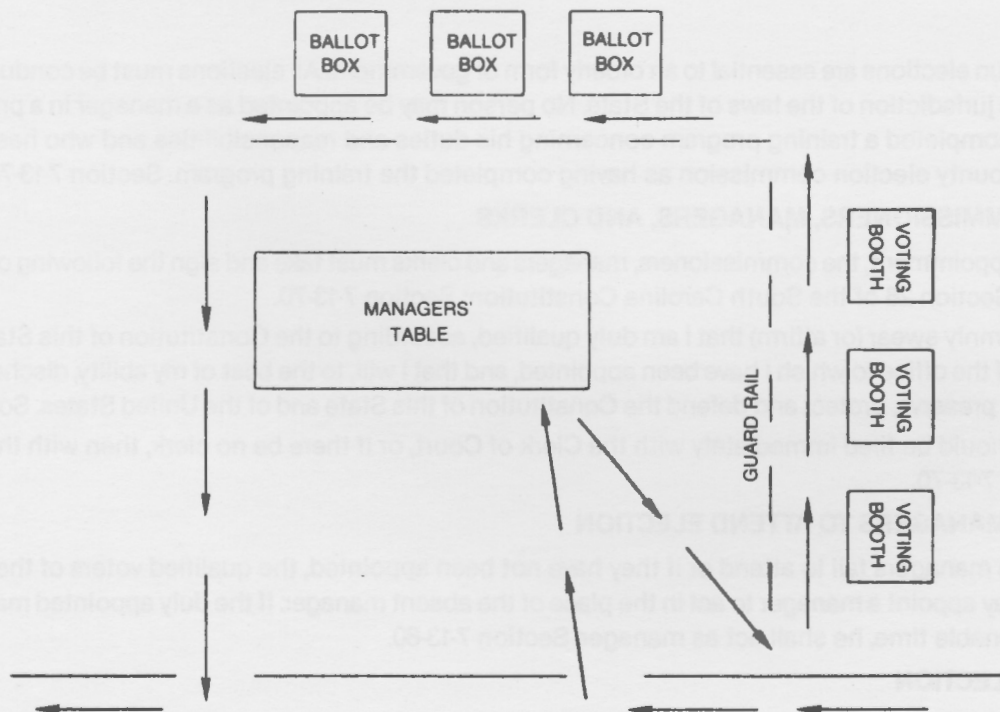
### ARRANGEMENT OF VOTING PLACE

Proper polling place arrangement is essential to ensure both the secrecy of the ballot and an orderly flow of voters throughout the day. Managers should arrange their polling place in the most efficient manner possible.

The law requires that each voting place be provided with a table for the managers. The ballot boxes should be placed upon a table or desk and so arranged that the voter can deposit his ballot without crowding, confusion, or interference. Voting booths should be provided so that the voter can mark his ballot in secret. A guard rail shall be provided around the voting booths so that no one except authorized persons can approach nearer than five feet to the booths in which the voters are preparing their ballots. The guard rail can be provided through the use of chairs, rope, wood railing, or other means. The primary objectives are to avoid crowding and interference and to preserve the secrecy of the ballot. Section 7-13-130.

A manager should be stationed outside the voting booth area to collect the ballot stubs from voters. He should keep each type of ballot stub separated.

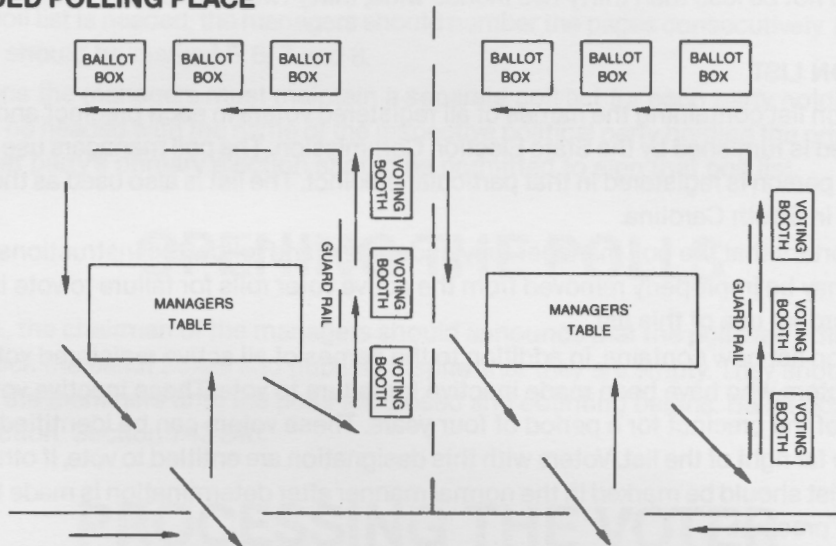
### DIAGRAM OF POLLING PLACE



## PRECINCTS WITH MORE THAN 1500 REGISTERED ELECTORS

State Law (Section 7-7-30) requires that all precincts be divided so that they contain no more than 1500 registered electors. This can be done alphabetically by dividing the voter registration list. Separate managers and facilities should be provided within the polling place for each alphabetical grouping.

### DIAGRAM OF DIVIDED POLLING PLACE



With proper preparation of the voting precinct, long lines of persons waiting to vote should not occur. As stated above, no more than 1500 persons may be registered to vote in any voting place. Voters in a large precinct may be divided into alphabetical groups of less than 1500 and permitted to vote in separate rooms or areas to speed up the election process. Remember, separate managers must be assigned to each alphabetical group of voters.

## ELECTION MATERIALS

### BALLOTS

There are two (2) possible kinds of ballots in primary elections. There is a separate ballot for (1) state and federal offices and for (2) members of the General Assembly, county offices, less than county offices and solicitors.

The State Election Commission and the respective county election commissions must prepare separate ballots for each political party holding a primary.

Each one of these ballots will be printed upon different colored paper as designated by the State Election Commission. Section 7-13-610.

All ballots cast in a primary election for any office are printed and distributed at public expense.

The commissioners of election must place ballots and other election materials received from the State Election Commission and ballots they are responsible for having printed in ballot boxes for distribution to the managers of election of the various precincts.

### NUMBER OF BALLOTS

Each voting place must be provided with as many ballots as is equal to 110 percent of the registered voters at the voting place. Where voting machines are used, paper ballots equal to 10 percent of the registered voters at the voting place must be provided. Section 7-13-430. See "Insufficient Ballots" page 13.

### BALLOT BOXES

Ballot boxes in primary elections shall be provided by the commissioners of election. At least one box for each kind of ballot for each primary held should be provided. These boxes must be of sufficient size to handle the volume of ballots.

Each box should be labeled in plain Roman letters with the name of the office voted for and be painted the same color as the ballot to be placed therein, or have a sample affixed to the box in which like ballots are to be deposited. The managers, on demand of the voter, are required to read to the voter the names of the boxes. Section 7-13-840.



## VOTING BOOTHS

The law normally requires that voting booths be provided in the ratio of one for each 250 registered voters or a major fraction thereof in the precinct. The commissioners of election are required to furnish voting booths in general elections and each is required to have a curtain hanging from the top to within three (3) feet of the floor, with a suitable shelf on which the voter can prepare his ballot. A booth should be made of wood, sheet metal, or other suitable substance and should not be less than thirty-two inches wide, thirty-two inches deep, and six feet six inches high. Section 7-13-740.

## VOTER REGISTRATION LIST

The voter registration list containing the names of all registered voters in each precinct and identifying information for each voter listed is furnished by the State Election Commission. The poll managers use this list to help determine whether or not a person is registered in that particular precinct. The list is also used as the record of who votes in every election held in South Carolina.

It is extremely important that the poll manager fully understand and follow the instructions provided for the use of this list. A person may be improperly removed from the active voter rolls for failure to vote if care is not taken by the managers in the proper use of this list.

The voter registration list now contains, in addition to the names of all active registered voters in each precinct, the names of those voters who have been made inactive for failure to vote. These inactive voters are listed on the voter registration list of the precinct for a period of four years. These voters can be identified by the letters "IV" in the last column on the far right of the list. Voters with this designation are entitled to vote, if otherwise qualified, and the voter registration list should be marked in the normal manner after determination is made by the managers that they still reside in the precinct.

In past primaries, each precinct was provided a separate voter registration list for each political party's primary election being held in that precinct. In this and future primaries there will be one voter registration list provided to each precinct. This voter registration list is to be used for all primary elections held in the precinct on that particular election day.

The columns to the immediate left of the voter's name and headed "PARTY" reflect the political parties holding primary elections and are used to indicate the political party primary in which a voter wishes to vote.

In the sample section of the voter registration list below, both Republican and Democratic primary elections are being held. Each square is labeled "REP" (Republican) or "DEM" (Democratic). The appropriate square is to be shaded in after the voter declares to the manager in which primary he wishes to vote. In our sample, voter James Baddeley has chosen to vote in the Republican primary election. The square in the Republican column beside Mr. Baddeley's name is shaded in by the poll managers. Managers must be extremely careful to mark this list correctly and in the manner indicated.

If a runoff primary is held, and if a voter wishes to, and is qualified to vote in such runoff primary, the two columns to the immediate right of the voter's name are to be completed by filling in the page and line number from the poll list that the voter signs for that runoff primary.

The section of the voter registration list that indicates the election districts in which a voter is eligible to vote has been moved closer to the voter's name. This relocation will allow the managers to more surely identify these election districts in order to provide the voter with the proper ballot. This area containing election districts is circled in the sample.

ROLL LIST PAGE & LINE	MANAGER'S INITIALS	PARTY		NAME	RUNOFF PAGE & LINE	ELECTION DISTRICTS						IDENTIFICATION NUMBER	STREET OR RFD ADDRESS	CITY	BIRTH DATE	RACE	SEX	REVISE DATE	STATUS
		REPUBLICAN	DEMOCRATIC			COUNTY	HOUSE	SENATE	CON.	RECORD	CITY								
01		REP	DEM	BACIK JAMES H		05	048	15	01	04	00	063386	7026 CHELSEA DAY LN	TEGA CAY	022552	M	H	092090	
02		REP	DEM	BADDELEY JAMES A JR		05	048	15	01	04	00	761155	1015 PALMYRA DR	TEGA CAY	092650	M	H	101088	
03		REP	DEM	BAGWELL EVA F		05	048	15	01	04	99	764827	1693 GARDENDALE RD	FORT MILL	051733	M	F	031191	
04		REP	DEM	BAGWELL JAMES L		05	048	15	01	04	99	764828	1693 GARDENDALE RD	FORT MILL	052532	M	H	031191	
05		REP	DEM	BAILLES LEWIS Z III		05	048	15	01	04	99	211984	1843 ZOAR RD	FORT MILL	010555	M	H	100361	I-V
06		REP	DEM	BAILLES SHERRY H		05	048	15	01	04	99	211986	1843 ZOAR RD	FORT MILL	082657	M	F	100361	
07		REP	DEM	BAILLES TORRIE G		05	048	15	01	04	99	764332	1095 ZOAR RD	FORT MILL	101159	M	F	101090	
08		REP	DEM	BAILLY ELIZABETH D		05	048	15	01	04	99	088896	1040 PALMYRA DR	TEGA CAY	110158	M	F	092588	



## **POLL LIST**

The poll list for each election is provided by the State Election Commission. The voter signs the list before receiving ballots or entering a voting machine or vote recorder. The signature of the voter on this list should be compared to the voter's signature on the identification presented to the poll managers. Voters should, if possible, sign the poll list with an ink pen.

If more than one poll list is needed, the managers should number the pages consecutively. For example, the pages of a second poll list should be marked 5, 6, 7 and 8.

In primary elections the managers must maintain a separate poll list for each party holding a primary election. Each poll list should be headed with the name of the respective political party holding the primary election and only persons voting in that party's primary election should be permitted to sign that poll list.

## **OPENING THE POLLS**

At precisely 7 a.m., the chairman of the managers should announce that the polls are officially open. He should then proceed to unlock the ballot boxes and publicly display that they are empty. They should then be locked and the keys returned to the managers until the polls are closed and counting begins. Ballot boxes cannot be opened again during the election. Section 7-13-840.

## **PROCESSING THE VOTER**

### **QUALIFICATIONS TO VOTE**

To become a registered elector in South Carolina a person must be at least eighteen (18) years of age on election day, a United States citizen and resident of the State, county and precinct in which he wishes to register to vote. The mentally incompetent and persons confined to any public prison are disqualified from being registered and from voting. Persons convicted of felonies or crimes against the election law are also disqualified unless they have served their complete sentence, including any probation or parole time, or have been given a pardon by the South Carolina Pardon and Parole Board. There is no durational residence requirement in South Carolina in order to register to vote.

A person must register in person at least thirty (30) days prior to an election to be eligible to vote in that particular election. Registration by mail must be postmarked at least forty-five (45) days prior to that particular election to be eligible.

### **PRESENTATION OF IDENTIFICATION**

Upon entering the polling place, the voter must present one of the following forms of identification to the manager:

1. a valid South Carolina driver's license,
2. an identification card containing a photograph issued by the South Carolina Department of Highways and Public Transportation, or
3. a valid voter registration certificate. Section 7-13-710.

The manager must ask the voter if the address on the identification presented is the voter's correct address.

The manager checks to see that the photograph on the driver's license or photo identification card is that of the person offering to vote, or if a registration certificate is presented, that the description on the certificate fits the voter. They must verify that the voter's address on his driver's license or photo identification, if presented, matches the address on the voter registration list. Additionally, the signature on the voter's identification should be checked against his signature on the poll list.

Remember that a person still must be registered in order to vote. Even though South Carolina Law no longer absolutely requires that the voter present his registration certificate, he must present either his registration certificate, or in lieu of that certificate, his South Carolina driver's license or the photo identification mentioned above.

### **VOTER'S OATH**

The voter's oath is written at the top of the poll list that the voter signs before voting. The oath is listed below.

"I do solemnly swear or affirm that I am qualified to vote at this election according to the Constitution of this State, and that I have not voted during this election. Further, I do solemnly swear or affirm that I am duly qualified to vote at this primary election and that I have not voted before at this primary election or in any party's primary election or officially participated in the nominating convention for any vacancy for which this primary is being held."



When the voter signs the poll list, he is automatically taking the voter's oath. The signing of the poll list, or the marking of the list by an illiterate or physically handicapped voter, acts as an affirmation of the oath by the voter. It is no longer necessary for a manager to read the oath to the voter unless the voter is illiterate or blind, but the manager should caution each voter to read the oath before signing the poll list.

If a voter is unable to write, or if he is prevented from signing by physical handicap, he must sign his name to the poll list by mark with the assistance of one of the managers. The correct procedure is for the voter to make a crossmark (x) after which the manager will write his name and the phrase "his mark" in the following manner:

His  
John X Smith  
Mark

Section 7-13-710

## VOTER'S DECLARATION OF PARTY PRIMARY AND USE OF VOTER REGISTRATION LIST AND POLL LIST

Once the voter has presented his identification, a poll manager locates him on the voter registration list. The manager then verifies the voter's qualifications. In primary elections the voter must, before signing the poll list, declare the political party's primary election in which he wishes to vote, if more than one primary election is being held.

As noted earlier, the poll manager then shades in the appropriate party square indicating the political party primary in which the voter has chosen to vote.

The poll list is also used in conjunction with the voter registration list. The page number and line number from the poll list that the voter signs and the manager's initials are written in the proper blanks in the first three columns on the left-hand side of the voter registration list. For example, Anne K. Seay wishes to vote in the Democratic primary and signs on line 93 of the Democratic primary poll list. The voter registration list is marked in the following manner on the sample voter registration list below:

POLL LIST PAGE	POLL LIST LINE	PARTY REPUBLICAN	PARTY DEMOCRATIC	NAME	ADDRESS	CITY	BIRTH DATE	RACE	SEX	EDUCATION	STATUS
1	50	ARR		SCRUGGS JARVIS H	05 048 15 01 04 00 2530055 4046 WINDWARD DR	TEGA CAY	091950	N	F	092099	
				SCRUGGS MAURICE C	05 048 15 01 04 00 1057102 4046 WINDWARD DR	TEGA CAY	121956	N	M	091380	
2	93	ARR		SEAY ANNE K	05 048 15 01 04 00 7067492 11005 SEVEN COVES DR	TEGA CAY	012559	N	F	013192	
				SEAY WILLIAM P JR	05 048 15 01 04 00 7067511 11005 SEVEN COVES DR	TEGA CAY	072259	N	M	013192	
				SELLE CHRISTIAN W	05 048 15 01 04 00 7058063 10038 TEPA PL	TEGA CAY	050962	N	M	092488	
				SELLE LILLIAN C	05 048 15 01 04 00 7054142 10038 TEPA PLACE	TEGA CAY	103062	N	F	030288	
1	15	ARR		SEHLSBERGER HARRY F	05 048 15 01 04 00 1573268 4065 TRITON DR	TEGA CAY	090730	N	M	091176	
1	14	ARR		SEHLSBERGER SHIRLEY L	05 048 15 01 04 00 1573269 4074 TRITON DR	TEGA CAY	012245	N	F	091176	
				SENST WILLI F R	05 048 15 01 04 00 7068793 6026 LANAI LN	TEGA CAY	021635	N	M	040692	
				SHACKLETON BETTY R	05 048 15 01 04 00 1306392 8018 KIMI CT	TEGA CAY	081030	N	F	100572	
				SHACKLETON CHARLES C	05 048 15 01 04 00 1307635 8018 KIMI CT	TEGA CAY	100526	N	M	100572	
				SHAW BILLY R	05 048 15 01 04 00 1396844 5003 TARA TEA DR	TEGA CAY	040931	N	M	092074	
3	173	ARR		SHEAR DAVID L	05 048 15 01 04 00 1573060 25048 TIMBERLAKE DR	TEGA CAY	071341	N	M	050192	
				SHELDON CAROL S	05 048 15 01 04 00 2569194 16119 TANA TEA CIR	TEGA CAY	122431	N	F	081386	
85				Mary Hamelman	119						
86				James F. Hendrix	120						
87				Larry Saur	121						
88				Jayne Carter	122						
89				Rae Mary Glenn	123						
90				Wayne D. Scott	124						
91				Melvin Andrus	125						
92				Sheela Albright	126						
93				Anne K. Seay	127						
94				John S. Quinn	128						

## VOTING BY PAPER BALLOT

If the voter's identification (see PRESENTATION OF IDENTIFICATION, p. 5) is in order, his name appears on the voter registration list, the address on his identification is the same as the address on the voter registration list and the signature on his identification matches his signature on the poll list, the manager initials the ballot stubs in the provided space and gives the ballots to the voter. The voter is then allowed to proceed to the voting booth.

After the voter has marked his ballots, he must fold them so as to leave the stubs attached and visible. The voter then returns the ballots to the appropriate manager so that the manager may detach the stubs and retain them. Section 7-13-730. We suggest that the manager place these stubs on a separate stylus for each type of ballot.

The manager shall then give the voter his ballots to be deposited in the proper ballot boxes.

**CAUTION:** It is important that the stub is still attached to the ballot when it is returned to the manager. Only managers are authorized to detach stubs. If the stub is detached when the ballot is returned to the managers, grounds for challenge exist.

### **TIME ALLOWED IN THE VOTING BOOTH**

No voter can occupy a voting booth for a longer time than five minutes whether or not the voter is receiving assistance. After having voted, declined or failed to vote within five minutes, the voter shall immediately withdraw from the voting place and shall not enter the polling place again during the election. Section 7-13-760. Where voting machines are used, only three minutes are allowed a voter inside the booth. Section 7-13-1820.

### **CLOSING OF THE POLLS**

At the time of closing of the polls, the chairman of the managers shall announce that the polls are closed. Any voters who are in the process of voting, or are present waiting to vote, shall be allowed to vote before the polls close. Section 7-13-850.

### **ACCOUNTING FOR BALLOTS AFTER ELECTION**

When the canvassing and counting of the votes is completed, the chairman of the managers or one of them to be designated in writing by the managers, shall deliver to the commissioners of election the poll list, the boxes containing the ballots, and a written return of the results of the election in the precinct. The managers are responsible for all ballots furnished them. Section 7-13-1150.

At the close of the election, the managers shall account to the commissioners of election for all ballots delivered to them and mark the following returns:

- a. The number of ballots furnished.
- b. The number of ballots spoiled and returned by voters.
- c. The number of ballots returned to the commissioners of election.
- d. The number of ballots actually voted.

The commissioners of election shall keep in possession all unused ballots, as well as those that have been spoiled, until the time for contesting the election has expired. Any ballot that has been lost must be accounted for by a certificate from the chairman of the managers of the particular precinct covering the circumstances. Section 7-13-850.

In addition to the above, the managers of election, at the close of the election, must turn over the envelopes containing challenged ballots to the commissioners of election. The managers do not include challenged ballots in their tally, and the sealed envelopes containing these ballots must not be opened by the managers. At their first meeting thereafter, the commissioners shall hear all objections to such votes; and, when no person appears to sustain an objection made at the polls, the ballot shall be removed from the envelope and mingled with the regular ballots and counted.

When the challenger appears, or produces witnesses or evidence in support of the challenge, the commissioners shall proceed to hear and determine the question and their decision shall be final. Section 7-13-820.

### **COUNTING OF BALLOTS: VOLUNTEER PERSONNEL**

At the close of the election, the managers and clerk shall immediately proceed to publicly open the ballot boxes and count the ballots. The managers are authorized to use additional volunteer personnel in counting the ballots. A volunteer counter cannot be a candidate or a watcher for a candidate for an office to be voted on in the election, and they must take the following oath prior to assuming their duties:

"I do solemnly swear or affirm that I am not a candidate or a watcher in this election, am a qualified elector of this county, that I will count the ballots entrusted to my care in a fair and impartial manner, and make to the best of my ability a correct tabulation of the results."

The managers are required to make a list of such volunteer counters and turn such list in with other election material to the commissioners of election.

It is emphasized that the counting of the ballots must be done in public. The Constitution of the State and the statutes of the State require this. While the public has a right to be present when the ballots are being counted, no one can unduly interfere with or impede the process of counting the ballots. The managers should permit full obser-



vation of the counting, but they should maintain absolute control of the entire proceeding to insure that the ballots are properly counted and accounted for.

The counting must continue without interruption until it is completed.

After the counting is completed, the managers shall sign such statements of the results of the election as may be required. Section 7-13-1110.

### **COUNTING OF BALLOTS: POSTING RESULTS**

Except where vote recorders are used for voting, upon completion of the vote counting the managers of each precinct must post a copy of the results of the election in that precinct in a conspicuous site at the polling place. Section 7-13-1110. The State Election Commission, as part of its OATHS and FORMS BOOKLET, will provide duplicate forms to be used by the managers to post the results of the primary elections in their polling place.

### **BALLOTS IMPROPERLY MARKED**

If it is impossible to tell how the voter intended to vote in a particular race, the ballot should not be counted for that race, but may be counted when the voter's choice can be determined for any other race in the election. Section 7-13-1120. The determination of a voter's choice is sometimes a difficult, if not impossible, task. A check mark or a cross mark may be placed near a square so as to make the task of determining how the voter intended to vote extremely difficult. There is no hard and fast rule to meet the various aspects of the problem. The board of managers is required to exercise its best judgement as to how the voter intended to cast his ballot.

It is important that ballots in such cases be preserved so that the commissioners of election or the courts, if necessary, can survey the problem on appeal.

**NOTE:** In past years the "Full - Slate Law" was in effect in South Carolina. This is no longer true. In 1972 the General Assembly repealed the full-slate requirements. A voter need not vote for as many candidates as positions to be filled in order to have his vote counted.

If a voter marks more names than there are persons to be elected or nominated to an office, this section of the ballot shall not be counted. The sections of the ballot that are properly marked shall be counted.

## **GENERAL VOTING DAY PROBLEMS**

### **VOTING BY PHYSICALLY HANDICAPPED AND ELDERLY ELECTORS: CURB-SIDE VOTING**

Any voter who, because of physical handicap or age (65 or older), cannot enter the polling place in which he is registered to vote, or is unable to stand in line to vote, may vote outside that polling place in the closest available parking area utilizing the vehicle in which he has been driven, or has driven to the polls.

When the managers are informed that a handicapped or elderly voter cannot enter the polling place or cannot stand in line to vote, the voter's identification (see PRESENTATION OF IDENTIFICATION, p. 5) must be presented to the managers who must locate the voter on the list of registered voters for that precinct and verify that he is eligible to vote.

Upon verification of the voter's eligibility, two (2) managers must take the poll list and the voter's ballot to the voter in his vehicle outside the polling place.

**NOTE:** It is recommended that the managers label one poll list "CURB-SIDE" at the beginning of the day. This poll list can be used whenever curb-side voting is utilized without interrupting the processing of voters inside the polling place.

Any poll watchers who are present must be notified and may, at their discretion, accompany the managers as observers.

\* In counties using voting machines, the emergency machine ballots provided to each polling place must be used for those voters who cannot enter the polling place. Managers in counties using vote recorders will take the proper ballot assembly and ballot card to the voter's vehicle.

No person other than the voter is permitted in the vehicle in which the voter is casting his ballot unless the voter is entitled to assistance in voting (see ASSISTANCE TO VOTERS, p. 10).

After the voter has voted his ballot, he must fold it so that the secrecy of the ballot is preserved and return it to the managers waiting outside the vehicle.

**NOTE:** In order to further preserve the secrecy of the ballot, the managers may wish to place the voter's ballot in an envelope or folder to carry it back into the polling place.



The managers shall then carry the ballot to the ballot box, taking care not to violate the secrecy of the ballot, and after detaching the stub, shall deposit the ballot in the ballot box. Section 7-13-771.

**IMPORTANT:** Managers must remember to mark the voter registration list for all voters who vote by this method.

### CHALLENGE BY THE MANAGERS

The law provides that if the managers are reasonably sure that the person presenting himself is entitled to vote, they shall deliver to him a ballot. Section 7-13-730.

The law also provides that the managers of election shall prevent any person from voting when they have good reason to believe that such person has already voted. It provides also that they shall refuse to allow any person to vote who is not a registered voter or who has become disqualified for any cause to vote in the precinct. It is the duty of managers to challenge the vote of any person who may be known or suspected not to be a qualified voter. Section 7-13-810.

If the managers have good reason to believe that the voter has already voted, or if they believe that he has become disqualified to vote, they should challenge his vote in the following manner:

- 1) The managers should explain to the voter the qualifications of a voter. These qualifications are set forth in Sections 7-5-120 and 7-5-220, the 26th Amendment of the United States Constitution, and decision of the United States Supreme Court in **Dunn V. Blumstein** (March 21, 1972), as follows:
  - a. He must be at least 18 years of age.
  - b. He must be a citizen of the United States, a resident of South Carolina, the county, and the voting precinct at which he offers to vote.
  - c. He must neither be now under court order declaring him mentally incompetent nor confined in a public prison. Persons on parole or probation for nondisqualifying crimes should be permitted to vote.
  - d. He must not have been convicted of a felony or crimes against the election laws, unless he shall have served his complete sentence, including any probation or parole time, or have been pardoned for such offenses.
  - e. He must have been duly registered by the board of registration and his registration must be dated at least thirty days prior to the election.
- 2) The managers may question the voter as to the foregoing qualifications. If the person whose vote is challenged insists that he is qualified, and the challenge is not withdrawn, his vote shall then be received and placed in an envelope on which shall be written the name of the voter, and that of the challenger. If voting at the voting place is being done upon a voting machine, the manager shall provide a paper ballot if the vote is challenged, and it shall be placed in an envelope. Special challenged ballot envelopes will be furnished each precinct. The challenged votes shall be kept separate and apart and not counted but turned over to the commissioners of election. Section 7-13-830.

**NOTE:** The voter's address, telephone number and voter registration certificate number and the challenger's address and telephone number have been added to the information to be placed on the challenged ballot envelope.

### CHALLENGED BALLOT

NAME OF VOTER \_\_\_\_\_ CERTIFICATE NO. \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

PRECINCT \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

NAME OF CHALLENGER \_\_\_\_\_ CERTIFICATE NO. \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

REASON FOR CHALLENGE \_\_\_\_\_

\_\_\_\_\_



**IMPORTANT:** The managers should inform both the challenged voter and the challenger of the time and place that the hearing on challenged ballots will be held. The State Election Commission will provide notices of the challenged ballot hearing which should be filled out and given to each challenged voter and challenger at the time the challenge is issued. Unless the challenger is present at the hearing, produces witnesses in support of the challenge, or provides evidence in support of the challenge prior to the hearing, the challenged ballot will be counted. The challenger should make every effort to be in attendance at the hearing. Nothing prohibits the county election commission from continuing any challenge administratively as long as it has evidence to sustain the challenge. Section 7-13-830.

Any manager who challenges a person's vote should be present at the challenge hearing to insure that the challenge is sustained and to make certain that the vote, if ruled invalid, is not counted.

**NOTE:** All challenges must be made prior to the time a voter receives a paper ballot or enters into a voting machine. No challenges shall be considered after that time. In the case of absentee ballots, challenges shall be made prior to the counting of the ballots. Nothing shall affect the right of any elector or qualified watcher to challenge the vote of any person which is fraudulent or when the challenge is based on evidence discovered after the vote is cast. Section 7-13-810.

## **WATCHERS AND CHALLENGES BY WATCHERS AND ELECTORS**

Each candidate in a primary election may appoint a watcher for any voting place where his name appears on the ballot. Every watcher must be a qualified voter in the county where he is to watch and he must be certified to the managers of the voting precinct to which assigned, in writing, signed by the candidate for whom he is to watch as having been designated to act as a watcher. The watcher must at all times wear some visible identification, specifying the name of the candidate he represents. The watcher must conduct himself in a manner that will not interfere with the orderly conduct of the election. Section 7-13-860. The managers have authority to require that the watchers station themselves in such places as the managers designate, and conduct themselves in an orderly manner. They should be given full opportunity to observe the election procedure, but managers should not permit the activity of the watchers to interfere with the orderly conduct of the election or to permit the watcher to talk with the voter. Section 7-13-140 and 7-13-860.

If the watcher desires to challenge a voter, he must address himself to the manager, and not to the voter. The manager should then follow the procedure outlined in the preceding section entitled "Challenge by the Managers." Section 7-13-810. He should explain the qualifications of an elector and examine the person as to such qualifications. If the challenger specifies the grounds of his challenge, such as, commission of a crime, or failure to reside in the precinct, the managers need only explain the appropriate qualifications to the challenged person and examine him as to these.

If the challenged person insists that he is qualified and the challenge is not withdrawn, the vote should be received, placed in the special challenge envelope on which is written the name of the voter, the name of the precinct, the name of the challenger and the reason for challenge; and the challenged vote is then kept separate and apart and not counted, following the procedure outlined above. Section 7-13-830.

**NOTE:** It should be noted that any qualified elector has the right to challenge a person's vote the same as a watcher. This challenge must also be directed to the voter through the manager. Section 7-13-810.

## **ASSISTANCE TO VOTERS**

Generally, no one except a voter preparing his ballot is allowed within the guard rail or the voting booth. However, there are certain voters who qualify under the law to have another person in the voting booth with them. These are the voters who need assistance, or help, from another person to cast their ballot.

Section 208 of the 1965 Voting Rights Act, as amended, states:

"Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union."

Once a voter has informed the managers that he needs assistance, or help, to cast his ballot the poll managers should determine that the voter is entitled to assistance.

The State Election Commission recommends that assistance situations be handled in the following manner:

1. The voter requests assistance or help.

\*Managers are cautioned against assuming that anyone needs assistance, or "volunteering" anyone for assistance or allowing anyone else to do so.

2. A poll manager says to the voter:

"The law provides that any voter who is blind, disabled, or unable to read or write is entitled to assistance in voting. Do you request assistance for one of these reasons?"

3. If the voter's answer is yes, he must then be told that he may choose anyone he wishes to assist him in casting his ballot except his employer, an agent of that employer, or an officer or agent of his union (if he is a union member).

4. After the voter has selected an assistant, the poll managers should make certain that the person chosen is not the voter's employer, agent of that employer, or officer or agent of the voter's union.

5. The voter and his chosen assistant enter the voting booth to cast the voter's ballot.

After the voter's ballot has been prepared, the person chosen by the voter to assist him must immediately leave the vicinity of the guard rail.

**NOTE:** Under the Voting Rights Act voters who are entitled to receive assistance in voting may obtain that assistance from nearly any person they choose. This includes friends, candidates, poll watchers, poll managers, voters waiting in line, relatives, nonrelatives, preteenagers and anyone else who is not the voter's employer, an agent of that employer, or an officer or agent of the voter's union. The assistor does not have to have any particular attributes that would "qualify" him or her. A voter may choose a person who has already assisted other voters, or a person who is too young to vote, or a person who is not registered to vote in South Carolina or any other state.

Under normal circumstances a poll manager would accompany the voter into the voting booth only if chosen as the voter's assistant. However, if the managers have credible evidence or good reason to suspect that there is any scheme to defraud voters who are entitled to assistance, a poll manager should be appointed to accompany the voter and the voter's assistant into the voting booth as an observer. This manager cannot mark the ballot, or take any part in assisting the voter; he is there only as an observer to ensure that the ballot is marked in strict accordance with the voter's wishes. If the manager, acting as an observer, sees that the person chosen by the voter is not marking the ballot as the voter wishes, or is otherwise acting improperly, he should challenge that ballot.

The fact that a voter has signed his name on his voter registration card and signs the poll list before being given a ballot would normally indicate that such person is literate and possesses sufficient comprehension to vote in an election, however, it is entirely possible that a voter may have learned to write his name mechanically and still be unable to read and write in the generally accepted sense. Such voters are entitled to assistance in voting.

If a voter has signed his registration certificate and the poll list, yet insists that he is unable to read and write and requests assistance in marking his ballot, if the managers have reason to believe or suspect that the voter can read and write, they should permit him to vote with assistance, but challenge the vote following the procedure for challenging votes as set out in this handbook.

## **HUSBAND AND WIFE VOTING TOGETHER**

The State Supreme Court has ruled that Section 7-13-750 of the **1976 South Carolina Code of Laws**, which allowed husbands and wives to enter the voting booth together for the purpose of voting is unconstitutional. See: **Governor James B. Edwards vs. Sol Abrams**, Opinion No. 20578, January 10, 1978.

It is illegal for husbands and wives who are capable of voting separately to enter the voting booth together for the purpose of voting.

## **VOTER WITHOUT IDENTIFICATION**

If a person presents himself at the polls without a valid South Carolina driver's license, a photo identification issued by the South Carolina Department of Highways and Public Transportation or a valid registration certificate, he is not allowed to vote.

If the voter does not have a driver's license or permissible photo identification and states that his certificate has been lost or stolen, he should be advised that his county board of voter registration is open all day on election day and that he may go there and obtain a duplicate certificate. He will then be allowed to vote. Sections 7-5-110 and 7-13-710.

## **VOTER'S ADDRESS ON IDENTIFICATION DOES NOT MATCH ADDRESS ON VOTER REGISTRATION LIST**

When a voter presents his South Carolina driver's license or photo identification card issued by the South Carolina Department of Highways and Public Transportation instead of his voter registration certificate, the manager should



locate that voter's name on the voter registration list and compare the address on the driver's license or photo identification card with the address listed on the voter registration list to make sure that they are the same.

If the addresses are the same, the voter should be asked if the address is correct before being allowed to cast a ballot.

If the addresses are different, the manager should check the date that the driver's license or identification was issued and the voter's registration date as listed on the voter registration list.

If the registration date is the most current of the two dates, the manager should ask the voter if the address shown on the voter registration list is his correct address, and if it is, the voter should be allowed to cast his ballot.

If the date of issue on the voter's driver's license or identification card is more current than the registration date on the voter registration list, the manager should ask the voter if the address shown on the driver's license or identification card is his correct address, and if it is, the manager should determine whether this new address is in the same precinct where the voter is registered. If the address is in the same precinct where the voter is registered, the voter may cast his ballot. The manager should make certain that the voter will receive the correct ballot for any district offices for which he is entitled to vote (Senate, House, county council, etc. . . ).

If the address is in a different precinct, the manager should determine if the voter moved to that precinct during the thirty (30) day period immediately prior to the election. The South Carolina Constitution provides that if a voter moves from one precinct to another during the thirty day period prior to an election, he can return to his old precinct and vote in that one election only. This voter may be allowed to cast his ballot.

If the voter moved to a different precinct prior to the thirty day period mentioned above, the manager should inform the voter that he is no longer legally entitled to vote in his old precinct. However, if the voter insists on voting he may be allowed to vote a challenged ballot. One of the managers should be listed as the challenger and should appear at the hearing on challenged ballots to offer evidence in support of the challenge. NOTE: Whenever the address on the voter's driver's license or identification card is different than the address on the voter registration list and the date of issue on the driver's license or identification card is more current than the voter's registration date, or if the voter states that his address has been changed by the postal authorities but he has not actually moved, the manager should record all the required information on the VOTER'S CHANGE OF ADDRESS FORM provided in the election supplies (see sample, below) and have the voter sign the form. This form will provide the county registration board with the necessary information about the voter's change of address and also serve as a request to transfer the voter to his new precinct.

### VOTER'S CHANGE OF ADDRESS FORM

\_\_\_\_\_ County \_\_\_\_\_ Precinct

\_\_\_\_\_  
(Date of Election)

Name of Voter: \_\_\_\_\_

Address on Voter Registration List: \_\_\_\_\_

Registration Date: \_\_\_\_\_

Address on Driver's License or  
Photo Identification: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Voter's Telephone number: \_\_\_\_\_

I hereby authorize the County  
Registration Board to transfer my  
registration to my new precinct: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Voter)

### VOTER'S IDENTITY IN DOUBT

If, after examining the voter's driver's license or other identification and the voter's signature, there is any doubt as to the identity of the voter, the poll managers may require such other identification of the voter and proof of his right to vote as they deem necessary. Section 7-13-710.

### INSTRUCTION AFTER VOTER HAS ENTERED BOOTH

If a voter asks for instruction after entering the voting booth, he may be instructed by two of the managers. Upon the completion of their instruction, the managers immediately leave the voting area and allow the voter to cast his ballot in secrecy. Section 7-13-1830.

## **INSUFFICIENT BALLOTS**

In each polling place where paper ballots are used, there must be provided ballots equal to one hundred ten (110) percent of the registered voters at the polling place; and in each polling place where voting machines are used, there must be provided ballots equal to ten (10) percent of the registered voters at the polling place.

When a sufficient number of official ballots are not available for all electors present at the polling place to vote, the managers of election shall, without undue delay, provide ballots made as nearly as possible in the form of the official ballot to those electors for whom official ballots are unavailable. These ballots shall be considered the same as official ballots.

A manager of election who fails to comply with the provisions of this law with regard to providing such ballots is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred (500) dollars. Sections 7-13-430 and 7-13-620.

## **BALLOT FOUND IN WRONG BOX**

As previously stated, separate boxes are required for different races. Section 7-13-840. If a ballot is placed in the wrong box, the law provides that such ballots may be counted if in counting the ballots for that office, the number of ballots does not exceed the number of names on the poll list. If the number of names on the poll list is exceeded by counting all of the ballots, then none of the ballots for the office found in the incorrect box shall be counted. The principal objective is to have the exact number of ballots for an office corresponding to the number of names on the poll list. The ballots and the names on the poll list may not be the same in number, for the reason that some voters may not vote a particular ballot, but in no event must the number of ballots exceed the number of names on the poll list. Section 7-13-1130.

## **BALLOTS FOLDED TOGETHER**

If two or more ballots are found folded together compactly, only one of such ballots shall be counted. The others so folded together shall be destroyed, but if these ballots bear different names, all of them shall be destroyed and none of them counted. This means, for example, that if two ballots are found folded together compactly, and one is cast for John Jones and the other is cast for John Smith, both of these ballots shall be destroyed. On the other hand, if each of the ballots so folded together is cast for John Smith, then only one of such ballots shall be counted; the other shall be destroyed. Section 7-13-1130.

## **MORE VOTES CAST THAN NAMES ON POLL LIST**

If more ballots are found in the ballot box or if more ballots are tabulated by vote recorder equipment or if the number of votes tabulated on voting machines in any polling place exceeds the number of voters listed on the poll list, the vote total for each candidate or issue shall be reduced by that fraction of the excess vote cast that his vote bears to the total number of votes cast in the polling place. Fractional parts of single votes shall be disregarded. For example, the ballot box contains 108 votes, but only 100 signed the poll list. Candidate A received 20 votes. The managers should determine what percentage 20 votes is of 108 (this is 18%). They should then take 18% of the excess vote (8 votes) and subtract this from candidate A's total vote. Eighteen percent of 8 votes is 1.4 votes, and disregarding the fractional vote, candidate A would receive 19 votes. This procedure should be followed with all candidates in the race.

If the number of votes cast exceeds the number of names of the poll list by 10 percent or more, the county election commission or county executive committee, as the case may be, shall order a new primary or election at the polling place concerned if the outcome of the election could be affected. Only those who signed the poll list shall be permitted to vote in any such new primary or election. Section 7-13-1140.

## **DEFACED OR SPOILED BALLOTS**

If a voter defaces or spoils his ballot, he may obtain one additional ballot upon returning the defaced or spoiled ballot to the managers with the stub attached. Unless the ballot with the stub attached is returned, the voter may not be given a second ballot. When a ballot is given by the managers to replace a spoiled one, the manager in charge of the poll list shall change the number of the ballot on the poll list, write "SPOILED" across the face of the spoiled ballot and place it in a file. Section 7-13-790.

In the example shown below, a voter was given a ballot with the stub number 5 attached to it. The voter spoiled that ballot and returned it with the stub attached. He was then given an additional ballot, stub number 10. The number 10 was then written on the poll list where number 5 was previously placed.



All defaced or spoiled ballots must be accounted for and turned over to the commissioners of election by the managers following the election.

NAME OF VOTERS			
I do solemnly swear or affirm that I am qualified to vote at this election according to the Constitution of this State, and that I have not voted during this election.			
1	Blondie Montague	31	
2	Barbara Brasley	32	
3	John Mark Allen	33	
4	Kathleen V. Patterson	34	
105	Ignace E. Spinner	35	
6	Frank Hamish	36	
7	Alicia L. Morrison	37	
8	Spurge L. Carter	38	
9	Dorson K. Bair	39	
10	SPOILED	40	
11	Barbara A. Gibson	41	
12	Christopher Hendrix	42	
13	Nancy Fries	43	
14		44	

### NAME LEFT OFF VOTER REGISTRATION LIST

When any person offers to vote and presents a valid registration certificate, a valid South Carolina driver's license, or photo identification card issued by the South Carolina Department of Highways and Public Transportation and his name does not appear on the voter registration list, the managers shall use one of the following procedures:

- (1) One of the managers shall call the County Board of Voter Registration from any phone at, or away from, the polling place. The manager shall give the registration board only the name of the voter as it appears on the identification presented by the voter. The registration board shall check its records, and if the person is found to be eligible to vote in that precinct, the date of birth of the person will be read to the manager who will ask the person for such date. Upon answering correctly, the person shall be permitted to vote.

When a manager is to make a call for this purpose he must notify the poll watchers present. They may, if they wish, accompany the manager to the phone and have the information repeated to each of them.

In the event that the telephone call to the registration board is a long distance call, it may be made collect and the registration board must accept the call.

- (2) If the name cannot be verified by the registration board, or if a phone is not available, the managers shall permit the person to vote a challenged ballot. One of the managers will be listed as the challenger. Section 7-13-820.

\*Managers who challenge a voter solely because his name cannot be found on the voter registration list do not have to attend the hearing on challenged ballots following the election. The county election commission will automatically verify the voter's eligibility with the county registration board when the voter is challenged because his name cannot be found on the voter registration list.

- (3) If the voter's name is left off the voter registration list and he presents, in addition to his registration certificate or other permissible identification, written certification from the registration board that he is properly registered, the managers shall allow him to vote. Section 7-5-440.

If a manager has to call the registration board to verify a voter's eligibility, if the voter votes a challenged ballot or if the voter presents written certification of his eligibility, the manager must fill in the information from the voter's identification in the appropriate spaces on the last page of the voter registration list and properly mark the list, as instructed earlier, before permitting the person to vote.

### DISTRIBUTING AND DISPLAYING CAMPAIGN LITERATURE AT THE POLLS

It is unlawful for any person, on election day, to distribute any type of campaign literature or place any political posters within two hundred (200) feet of any entrance used by the voters to enter a polling place. It is the duty of poll managers to keep this prohibited area clear of political literature and displays. County and municipal law enforcement officers shall, upon the request of the poll managers, remove or cause to be removed any material distributed or displayed within two hundred (200) feet of any such entrance. Section 7-25-180.

It is not illegal for a candidate to appear and greet voters in line as long as he is not intimidating voters or interfering with the orderly election process. The managers should use their own judgement regarding this matter.

## **POWER OF MANAGERS**

The managers of election have such police power as is necessary to carry out the provisions of the election laws. They have full authority to maintain good order at the polls and to require obedience to their commands during the election and during the counting of the ballots. All peace officers are required to answer such calls for help in preserving peace as may be made by the managers of election. Section 7-13-140.

For example, if a person is disorderly or unruly, a police officer may be requested to remove that person.

## **POLICE OFFICERS**

Peace officers in the execution of requests for assistance by the managers may call upon bystanders to assist them and such bystanders are required to render such assistance. See Section 7-13-150, which now gives authority to all peace officers to request assistance and is not limited to a sheriff or deputy sheriff.

Unless called within the polls by a majority of the managers for assistance, no sheriff, deputy, policeman, or other officer is allowed to come within the polling place. This should not be construed so as to prevent a police officer from entering the polling place for the purpose of casting his ballot. Section 7-13-160. Once he has voted, however, the peace officer should leave the voting place.

## **REMOVAL OF VOTER FROM ONE PRECINCT TO ANOTHER**

A voter must be a resident of the precinct in which he votes. Sections 7-5-120 and 7-7-910. When he changes from one precinct to another, he must register in his new precinct. His new registration will be subject to the thirty-day waiting period.

The State Constitution provides that voters who move during the thirty-day closing period prior to an election may vote in their old precinct in that election only. Article II, Section 4 South Carolina Constitution. These procedures apply if the voter moves from one county to another county or moves from one precinct to another precinct within the same county. Sections 7-5-150, 7-5-220 and 7-7-940.

# **VOTING MACHINE PROCEDURES**

Electronic Voting Machines are now used in sixteen (16) counties in South Carolina. They are Allendale, Bamberg, Bamwell, Berkeley, Charleston, Colleton, Dorchester, Edgefield, Fairfield, Greenwood, Hampton, Horry, Jasper, Marion, Newberry and Spartanburg. Additionally, Automatic Voting Machines are used in Darlington and Richland Counties.

## **NUMBER OF MACHINES**

The law now requires that the governing body of any county or municipality using voting machines shall provide for each polling place at least one voting machine for each three hundred and fifty registered voters or portion thereof, or as near thereto as may be practicable. Section 7-13-1608. Thus, if a polling place has eight hundred voters registered therein, three machines should be provided.

## **NUMBER OF BALLOTS**

Paper ballots for public office must also be provided to each voting precinct. These shall be equal to 10 percent of the number of electors registered there. These paper ballots are to be used in the event that the voting machines in the precinct become inoperative or when a voter's ballot is challenged. Section 7-13-430. (See "Insufficient Ballots" page 13)

## **USE OF MACHINES**

Only those machines which have been approved by the Board of Voting Machine Commissioners can be used in elections in the State. Section 7-13-1620.

Instruction cards shall be posted in the polling place and the arrangement of candidate's names properly placed in the frames of the machines. The keys to the voting machines shall be delivered to the managers in a sealed envelope on which shall be written the number of the voting machine, the number of the seal and the number registered on the protective counter device.

The envelope containing the keys shall not be opened until all of the managers of the election for the precinct shall be present and shall examine the envelope to see that it has not been opened.

The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters.



## **PLACEMENT OF MACHINES**

The voting machine shall be placed at least three feet from every wall or partition at the polling place and at least five feet from any table at which any of the election managers or clerks may be engaged or seated.

The machine shall be placed so that the ballots on the face of the machine can be plainly seen by the managers when not in use by the voters.

The managers shall not themselves be, or permit any other person to be, in any position or near any position that will permit him to see how any voter votes or has voted. Section 7-13-1780.

## **INSPECTION OF MACHINES**

After each voter has cast his vote, one of the managers shall inspect the machine to see that the ballots on the face of the machine are in proper places and that the machine has not been injured. During an election, the door or other covering of the counter compartment of the machine shall not be unlocked or opened or the counter exposed except for good and sufficient reasons, a statement of which shall be made and signed by the managers of election and attached to the return of the election. Section 7-13-1800.

A mechanically operated model of a portion of the face of the voting machine is required to be in each election place. Voters desiring it shall be instructed regarding the operation of the machine by demonstration on the model and shall be given an opportunity personally to operate the model. Section 7-13-1810.

## **TIME FOR VOTER TO REMAIN IN MACHINE BOOTH**

No voter shall remain in a voting machine longer than three minutes; and if he shall refuse to leave it after a lapse of three minutes, he may be removed by the managers. Section 7-13-1820.

## **INSTRUCTIONS AFTER THE VOTER HAS ENTERED THE MACHINE BOOTH**

After a voter has entered a voting machine booth and shall ask for further instructions concerning the manner of voting, two of the managers shall give instructions to him. But no election official shall in any manner request or seek to persuade or induce any voter to vote in any particular manner. After giving instructions, the managers shall, before the voter has voted, retire and such voter shall cast his ballot in secret. Section 7-13-1830.

## **PROCEDURE WHEN MACHINE WILL NOT OPERATE**

If a machine becomes inoperative in whole or in part, the managers shall notify the commissioners of election and, if possible, a substitute machine shall replace the injured machine. If a substitute machine is used, at the closing of the polls, the record of both machines shall be taken and the votes shown on their counters shall be added together. If no other machine is available for use at the election, and the injured machine cannot be repaired, the paper ballots furnished as already referred to (10 percent of registered voters of the precinct) may be used and received as other ballots. If the 10 percent supply of ballots is exhausted. Managers should provide facsimile ballots as required by law (see "Insufficient Ballots" Section of this handbook.)

## **COUNTER NOT REGISTERING 000**

Before opening the polls, each manager shall examine the machines and see that no vote has been cast and that the counter registers zero (000). If any counter is found not to register (000), the managers shall adjust the counter at zero (000) if it can be done by them; if not, they shall make written statement designating letter and number of such counter, together with the number registered thereon, and shall sign and post such statement upon the wall of the voting place where it shall remain during the day of the election, and in making the statement of canvass, they shall subtract such number from the number of registered ballots thereon. Section 7-13-1770.

## **LOCKING MACHINES AFTER ELECTION: KEYS**

The keys to the voting machine shall be enclosed in a sealed envelope having endorsed thereon a certificate of the managers, stating the number of the machine, the voting precinct, the number on the seal and number on the protective counter, and shall be returned by one of the managers of election to the commissioners or other electoral board from whom the keys were received. After the managers lock the machines, they must remain locked for a period of thirty days, or as much longer as necessary or advisable should a contest develop, or except as may be necessary to prepare the machines for another election. An exception is that the machines may be opened and all data examined upon the order of a court of competent jurisdiction. Section 7-3-1890.

## **CANVASS AND RETURN OF VOTE WHERE MACHINES USED**

After the polls have closed, the managers shall immediately lock and seal the voting machine against further voting and open the counter compartment in the presence of all persons who are present at the time giving full view of the counters. The managers shall canvass and announce the results as shown by the counters. The vote that is registered is then written on a statement of canvass and when so completed, shall be compared with the numbers on the counters of the machine. If found to be correct, the statement shall be duly certified and sworn to and returned as other election returns. Section 7-13-1880.

# **VOTE RECORDER PROCEDURES**

Vote recorders are used in eighteen (18) counties in South Carolina. These are Aiken, Anderson, Beaufort, Cherokee, Chester, Chesterfield, Clarendon, Florence, Georgetown, Greenville, Kershaw, Lexington, Oconee, Orangeburg, Pickens, Sumter, Union and York. The use of the vote recorders can be adopted optionally by any county provided that the recorders used meet specifications set forth by the State Election Commission. Laws governing the use of vote recorders are contained in Section 7-13-1310 through 7-13-1500. The State Election Commission has also promulgated regulations for the use of vote recorders.

Although vote recorder cards are technically paper ballots, many of the rules for voting machines still apply. The managers must make sure that the ballot labels remain in the correct order. They must also check the recorder regularly to see that it has not been damaged.

## **BALLOT CARDS FOR VOTE RECORDER**

Ballot cards for vote recorders should be of suitable size, stock, and design as prescribed by the State Election Commission. The cards should be suitable for processing on a tabulation machine. They should provide for write-in votes and have a serially-numbered, detachable stub as do other paper ballots. Section 7-13-1370.

## **DELIVERY OF VOTE RECORDER**

The county election commission shall provide for the delivery and proper set up of vote recorders at least one hour before the polls are scheduled to open. Section 7-13-1310.

The poll managers should see that:

- 1) each vote recorder has sufficient light.
- 2) two sets of sample ballots which are a reasonable facsimile of the ballot labels and directions for the use of the vote recorders are posted outside the guard rail in the polling place.
- 3) They have been furnished with a seal for sealing the recorder after the polls are closed and other supplies as necessary or required by law. Section 7-13-1400.

A manager should also be stationed with a sample vote recorder and ready to instruct voters in its use.

## **DAMAGED RECORDER**

If a vote recorder becomes inoperative, the managers must immediately notify the county election commission so that it may be repaired or replaced. In the meantime, voting should continue on other vote recorders. Section 7-13-1470.

## **OBSERVERS AFTER THE POLLS CLOSE**

After the polls close, poll watchers shall be allowed to remain in the polling place to observe the processing of the ballots and the sealing of the containers. Section 7-13-1420.

## **HANDLING OF BALLOT CARDS AFTER THE POLLS CLOSE BY MANAGERS**

Ballot cards for the vote recorder must be handled with care. They must not be bent or mutilated in any way. The managers should first remove all ballots from the ballot boxes. If ballot cards with the fold over stub are being used, the long fold over stub must still be attached to the ballot in order to constitute a valid vote. If no write-in is recorded, this portion of the ballot shall be separated from the ballot and returned with the other election supplies.

In precincts that use envelopes rather than the fold over stub, the ballot and envelope must remain together to constitute a valid vote. Upon closing the polls, the envelope should be separated from the ballot and returned with the other election supplies.



All ballot cards should be carefully stacked in the metal transfer case and slide the case divider forward so that the ballots will be securely held. Before sealing the transfer case, make sure that it contains: the voted ballot cards, challenged ballot envelopes containing challenged ballots, one completed and signed copy of the Return of Ballots Form. The managers should then make and sign a statement of the time the transfer case is sealed and place it in the transfer case. The transfer case should then be sealed with the numbered seal enclosed in the envelope inside the transfer case.

The managers should then proceed to the counting station with all supplies. They should remain at the counting station until dismissed. Section 7-13-1410.

### **DUPLICATING DAMAGED BALLOT CARDS**

If a ballot card is damaged to the point that it cannot be processed by the automatic tabulation equipment, the county election commission can authorize the marking of a duplicate ballot that can be counted. These are to be marked at the counting station in the presence of witnesses. The damaged ballots are preserved, and the duplicates are labeled with the word "duplicate" and the number of the original ballot. Section 7-13-1410.

**NOTE:** Commissioners in counties using Vote Recorders should familiarize themselves with the regulations adopted by the State Election Commission for such recorders.

## **ABSENTEE VOTING**

Any qualified elector in any of the categories below may receive absentee ballots by submitting an official absentee ballot application form to the county board of voter registration in his county of residence.

The absentee ballot application form may be requested from the county registration board by the voter himself, a member of his immediate family or by the authorized representative of a voter.

An authorized representative is a registered elector who, with the voter's permission, acts on behalf of a voter unable to go to the polls because of illness, disability or physical handicap.

\* A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, may not request absentee ballot applications for any person unless such person is a member of their immediate family.

This application may be submitted anytime during the calendar year in which the election in which the qualified elector wishes to vote by absentee ballot is being held. Completed applications must be returned to the county registration board, in person or by mail, not later than 5:00 p.m., four (4) days before the election. However, any elector applying in person may make such application until 5:00 p.m. on the day before the election.

A member of the immediate family of an elector who is admitted to a hospital as an emergency patient on the day of an election, or within a four-day period before the election, may obtain an absentee ballot application from the registration board, complete the application, receive the ballot and deliver it personally to the patient. Once the patient has voted the ballot this immediate family member shall personally carry the ballot back to the board of registration.

The registration board must keep a record book in which must be recorded the number of the absentee ballot application form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application is requested; the name, address, voter registration number, and the relationship of the person requesting the form, if other than the applicant; the date when the form is requested and the date when the form is issued. Additionally, the registration board must enter in this record book the date that absentee ballots are mailed to the voter and the date the ballots are returned.

This information becomes a public record at 9:00 a.m. on the day before the election, except the information regarding emergency hospital patients becomes a public record by 9:00 a.m. on the day after the election. Sections 7-15-330, 7-15-370 and 7-15-385.

### **PERSONS ELIGIBLE FOR ABSENTEE BALLOTS**

The following persons are eligible to receive absentee ballots:

1. Students, their spouses and dependents residing with them. (The term "students" shall mean all persons residing outside the counties of their respective residences, enrolled in an institution of learning.)
2. Members of the Armed Forces and Merchant Marines, their spouses and dependents residing with them.

3. Persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses and dependents residing with them.
4. Employment. (The term "employment" means those persons who by virtue of their employment obligations will be absent from their county of residence on election day during the hours the polls are open and will be unable to vote in person; or, those persons who are required by their employment obligations to be at their place of employment, in their county of residence, during the entire hours that the polls are open and will be unable to vote in person, provided that they present written certification of such obligations, signed by their employer, to the county registration board.)
5. Physically disabled persons. (The term "physically disabled persons" shall mean a person who, because of injury or illness cannot be present in person at this polling place on election day, whether physically present inside or outside his county of residence.)
6. Government employees, their spouses and dependents residing with them, who are out of their county of residence on election day.
7. Electors with a death or funeral in the family within a three day period prior to the election.
8. Persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day).
9. Poll managers, county registration board members and staff, and county election commission members and staff working on election day.
10. Overseas citizens.
11. Persons attending sick or physically disabled persons.
12. Persons who will be serving as jurors in a state or federal court on election day.
13. Persons admitted to hospitals as emergency patients on the day of an election or within a four-day period before the election. Section 7-15-320.

## **ABSENTEE VOTING PRECINCTS**

The office of the county board of voter registration shall be the location of the absentee voting precinct. The county election commission shall be responsible for tabulating and reporting the results of ballots cast in the absentee voting precinct. Section 7-15-410.

No absentee ballot shall be counted which is received by the registration board after the time for closing of the polls. Absentee ballots are subject to the same challenges as other votes. Section 7-15-420.

Voters may return their absentee ballots to the absentee precinct by mail, by personal delivery or by authorizing another person to return the ballot for him. Such authorization must be in writing, on a form prescribed by the State Election Commission and must be turned over to the board of registration at the time the ballot is returned. The authorization must be preserved as part of the record of the election and the board of registration shall note the authorization and the name of the authorized returnee in the record book required by Section 7-15-330. A candidate or a member of a candidate's paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not permitted to serve as an authorized returnee for any voter unless he is a member of the voter's immediate family. Section 7-15-385.

Prior to sending the voting registration lists to the various precincts, the registration boards shall mark such lists for every voter who has been sent an absentee ballot. No voter who has been issued an absentee ballot may vote in person in their precinct on election day unless they furnish to the managers a statement from the county registration board that their absentee ballot has been returned to the absentee precinct unmarked.

If the absentee ballots are issued after the voter registration lists are turned over to the county election commission, the registration board shall notify the county election commission so that the registration lists may be marked that the voter has been issued an absentee ballot. Section 7-15-430.

# **POLL MANAGER'S JOB AIDS**

While every person who works at the polls on election day is considered to be a poll manager, this position is made up of a number of separate jobs or tasks. The following section contains the several jobs that poll managers must do in order to process the voter. Additionally each job has been divided into the steps necessary to complete that job.



These jobs are common to all polling places regardless of the system of voting. Managers working in counties that use the voting machine or the vote recorder will have some additional jobs required by these systems. Necessary instruction and training in these additional jobs will be provided by the various County Election Commissions.

### **Voter Registration List Manager**

The purpose of this job is to verify that each person offering to vote is a qualified voter in this precinct. A voter is never allowed to vote without proper identification (a valid South Carolina driver's license, a photo identification card issued by the South Carolina Department of Highways and Public Transportation or a valid voter registration card).

1. Receive identification from voter.
  2. Check description or photo of voter.
  3. Locate voter's name on voter registration list.
  4. Check voter's address on their identification against address on voter registration list to make sure they are the same.
  5. Ask voter if address shown is his correct and current address.
  6. Pass voter's identification to manager in charge of poll list.
  7. Fill in page number and line number from poll list and initial (after voter signs poll list).
- \* If voter's name cannot be found on the voter registration list:  
See NAME LEFT OFF VOTER REGISTRATION LIST in this booklet.  
Absentee votes noted on voter registration list:

The names of all voters who have been issued absentee ballots have been marked on the voter registration list. No voter who has been issued an absentee ballot may vote in person unless he presents a certification from the County Board of Voter Registration that his absentee ballot has been returned to the board unvoted.

### **Poll List Manager**

The purpose of this job is to present the poll list, with the voter's oath at the top, to the voter for his signature and to verify that signature.

1. Present poll list to voter for signature (always use ink pen).
    - a. Before voter signs, remind him that voter's oath is at top of list and ask him to read oath.
    - b. If the voter is blind or illiterate, read oath to him.
  2. Compare voter's signature on poll list with the signature on the voter's identification.
  3. Report page and line number where voter signs poll list to the voter registration list manager.
- \* If a voter returns with a spoiled ballot:  
See DEFACED OR SPOILED BALLOTS in this booklet.

### **Ballot Manager**

The purpose of this job is to issue unvoted ballots to voters.

1. Initial stub portion of ballot(s) in space designated "initials of issuing officer."
2. Give ballot(s) to voters.
3. Remind voter not to detach stub portion of ballot(s) after voting, but to fold the ballot(s) so that secrecy is preserved and the stub may be detached by the manager in charge of the ballot box(es).
4. Direct voter available voting booth.

### **Ballot Box Manager**

The purpose of this job is to accept voted ballots from the voters and, preserving the secrecy of the ballot, to detach the stub portion from the ballot(s) before those ballot(s) are deposited in the ballot boxes.

1. Receive ballot(s) from voter.
2. In full view of the voter, detach the stub portion of the ballot(s). Always keep the voted portion of the ballot(s) folded so that no one can see how a voter voted.
3. Place the detached stub(s) on a stick pic or in a stack.
4. Return ballot(s) to voter and have the voter deposit ballot(s) into ballot box(es).
5. Direct voter to exit.

BE ALERT! Do not allow voters to leave the polling place without returning their ballot(s).

Remember, do not open the locked ballot box(es) at any time during the election day until the last ballot has been deposited and the polls are closed.